

Proposed City of Stayton Charter

PREAMBLE

We, the voters of Stayton, Oregon, exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and hereby enact this Home Rule Charter.

CHAPTER I: NAMES AND BOUNDARIES

SECTION 1: TITLE OF ENACTMENT

This enactment may be referred to as the Stayton Charter of 2009.

SECTION 2: NAME OF CITY

The municipality of Stayton, Marion County, Oregon, is a municipal corporation which carries the name "City of Stayton" ("City").

SECTION 3: BOUNDARIES

The City includes all territory within its boundaries as they now exist or are legally modified. The City will maintain as a public record an accurate and current description of the boundaries.

SECTION 4: VOLUNTARY ANNEXATIONS

Unless mandated by state law, annexation, delayed or otherwise, to the City of Stayton, must be submitted to a city-wide election and must be approved by a majority of those voting in the election.

CHAPTER II: POWERS

SECTION 5: POWERS OF THE CITY

The City has all powers that the constitutions, statutes and common law of the United States of America and Oregon expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers.

SECTION 6: CONSTRUCTION OF CHARTER

The Charter will be liberally construed so that the City may exercise fully all powers and authority possible under this Charter and under United States of America and Oregon law.

SECTION 7: DISTRIBUTION

The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This Charter vests all other City powers in the Mayor and Council except as the Charter otherwise provides. The Council has legislative, administrative and quasi-judicial authority exercised by ordinances, resolutions, orders and/or rules. The Council may not delegate its authority to adopt ordinances.

CHAPTER III: ELECTED AND APPOINTIVE OFFICIALS

SECTION 8: MAYOR

- (a) At each biennial general election, a Mayor shall be elected for a term of two years. No person shall serve more than three consecutive terms as Mayor.
- (b) The Mayor is chair of the Council and presides over its deliberations. The Mayor shall preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council. As the Mayor is not a member of the Council, the Mayor does not have a vote unless a tie vote occurs within the Council.
- (c) The Mayor shall appoint commission, board, committee and advisory panel members as provided by Ordinance, Resolution and the rules of the Council; shall sign all records of proceedings approved by the Council; and shall sign or veto all ordinances passed by the Council within seven days after their passage.
- (d) If the Mayor vetoes an ordinance, the reasons shall be stated in writing to the Council and the vetoed Ordinance shall be returned to the Council at its next meeting. Re-passage by the majority of the Council overrides the Mayor's veto.
- (e) After the Council approves a bond of a City officer or a bond for a license contract, or proposal, the Mayor shall endorse the bond.
- (f) The Mayor shall sign Council Resolutions and Orders and other documents relating to City matters.

SECTION 9: COUNCIL

The Council is composed of five councilors elected from the City at large or from wards or districts if so designated by the Council.

SECTION 10: COUNCILORS

At each biennial general election, three councilors shall be elected. Of the three, the two receiving the two highest numbers of votes shall each hold office for four years, and the one receiving the third highest number of votes shall hold office for two years.

SECTION 11: PRESIDENT OF THE COUNCIL

At its first regular meeting of each calendar year, the Council shall elect a President of the Council from its membership. In the Mayor's absence from a Council meeting, the President of the Council shall preside over it and shall continue to perform as councilor, including the privilege to vote as a member of the Council. The President of the Council shall not exercise the "Mayor's vote" as to tie votes or the "Mayor's veto." Whenever the Mayor is unable to perform the other functions of the office, the President of the Council shall act as Mayor; however, the President of the Council shall exercise only such powers as cannot reasonably be delayed until the Mayor returns.

SECTION 12: QUALIFICATIONS OF ELECTED OFFICIALS

- (a) The Mayor and each councilor must be a qualified elector under state law and reside within the City limits for at least one year immediately before election or appointment to office.
- (b) Neither the Mayor nor a councilor may be employed by the City. An elected official may serve as a City volunteer.
- (c) The Council is the final judge of the election and qualifications of its members.

SECTION 13: APPOINTIVE OFFICERS

Other officers of the City include a Municipal Judge, City Attorney, City Administrator, or any other officers the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the majority of the Council. The Council may combine any two or more appointive city offices. The Council may designate any appointive officer to supervise any other appointive officer except the Municipal Judge in the exercise of the judicial functions.

SECTION 14: COMPENSATION

The compensation for the services of City officers and employees shall be in such amounts as fixed by the Council and authorized as part of the City budget approval process.

CHAPTER IV: COUNCIL MEETINGS

SECTION 15: MEETINGS

The Council shall hold a regular meeting at least once a month in the City at a time and at a place which it designates. It shall adopt rules for the governance of its members and proceedings. The Mayor, upon the Mayor's own motion, may, or at the request of three

members of the Council shall, by giving notice to all members of the Council, call a special meeting of the Council.

SECTION 16: QUORUM

A majority of the Council members is a quorum to conduct business; but, a smaller number may meet and compel attendance of absent members as prescribed by ordinance.

SECTION 17: RECORD OF MEETINGS

The Council shall cause a record of its meetings to be kept on file at City Hall, and such record shall be available to the public during regular City business hours.

SECTION 18: PROCEEDINGS TO BE PUBLIC

No action by the Council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at meetings open to the public. All meetings of the Council shall comply with public meeting laws established by general ordinance and state statute.

SECTION 19: VOTE REQUIRED

Except as this Charter otherwise provides, the express concurrence of a majority of the members of the Council present is necessary to decide any question/issue before the Council.

CHAPTER V: POWERS AND DUTIES OF APPOINTIVE OFFICERS

SECTION 20: MUNICIPAL JUDGE

- (a) The City may establish a municipal court within the Stayton City limits, presided over by a Municipal Judge appointed by the Mayor. The appointment shall be subject to confirmation by the Council.
- (b) The Municipal Judge has original and exclusive jurisdiction of all offenses defined and made punishable by ordinance of the City and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the City.
- (c) The Municipal Judge may render judgments and impose sanctions on persons and property, issue process for the arrest of any person accused of an offense against the ordinances of the City, commit persons to jail or to admit them to bail pending trial, issue and compel obedience to subpoenas, compel witnesses to appear and testify and jurors to serve for trials before the court, issue any process necessary to carry into effect the judgments and orders of the court, punish witnesses and others for contempt of court, issue search warrants, and perform other judicial and quasi-judicial functions assigned by ordinance.

- (d) The Mayor may appoint a Municipal Judge pro tem to act in the absence of the municipal. This appointment shall be subject to confirmation by the Council.
- (e) When not governed by ordinances or this Charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable laws of the State governing justices of the peace and justice court.
- (f) Notwithstanding this section, the Council may transfer some or all of the functions of the municipal court to an appropriate different court.

SECTION 21: CITY ADMINISTRATOR

- (a) The office of City Administrator is established as the administrative head of the City government. The City Administrator is responsible to the Mayor and Council for the proper administration of all City business. The City Administrator will assist the Mayor and Council in the development of City policies, and carry out powers and policies established by ordinances and resolutions or otherwise.
- (b) The duties of the City Administrator include:
 - (1) Attending all Council meetings unless excused by the Mayor or Council;
 - (2) Making reports and recommendations to the Mayor and Council about the needs of the City;
 - (3) Administering and enforcing all City ordinances, resolutions, orders, franchises, leases, contracts, permits, and other City decisions and policies ;
 - (4) Appointing, supervising and removing City employees. The appointment and removal of the Police Chief shall require the approval of a majority of the Council;
 - (5) Naming a city employee to the position of City Recorder to:
 - a. Serve as the City Elections Officer;
 - b. Be responsible for the recording and maintaining of City records, including the minutes of Council meetings; and
 - c. Perform other duties as assigned;
 - (6) Organizing City departments and administrative structure;
 - (7) Preparing and administering the annual City budget;
 - (8) Administering City utilities and property;
 - (9) Collecting all sums of money due the City, whether by way of fees, liens, assessments, taxes, special assessments, or any other source whatsoever;

- (10) Encouraging and supporting regional and intergovernmental cooperation;
 - (11) Promoting cooperation among the Council , staff and citizens in developing City policies, and building a sense of community;
 - (12) Performing other duties as directed by the Council;
 - (13) Delegating duties, but remaining responsible for acts of all subordinates.
- (c) The City Administrator has no authority over the Mayor, Council or over the judicial functions of the Municipal Judge.
 - (d) The City Administrator and other employees designated by the Council may sit at Council meetings but have no vote. The City Administrator may take part in all Council discussions.
 - (e) When the City Administrator is temporarily disabled from acting as City Administrator or when the office of City Administrator becomes vacant, the Mayor shall appoint a City Administrator pro-tem. The City Administrator pro-tem has the authority and duties of City Administrator, except that the pro-tem administrator may appoint or remove employees only with Council approval.
 - (f) No Council member may directly or indirectly attempt to coerce the City Administrator or a candidate for the office of City Administrator in the appointment or removal of any City employee, or in administrative decisions regarding City property or contracts or any other transactions relating to City business affairs. Violation of this prohibition is grounds for removal from office by a majority of the Council after a public hearing. In Council meetings, councilors may discuss or suggest anything with the City Administrator relating to City business.

SECTION 22: CITY ATTORNEY

- (a) The City Attorney shall be appointed by the Mayor and confirmed by the Council.
- (b) The City Attorney shall advise and counsel the Mayor, Council and City Administrator on legal matters that may arise which involve the matters of the City.
- (c) The City Attorney may designate lawyers to assist generally and serve in the absence of the City Attorney ("Assistant City Attorney") or provide outside/special legal counsel in areas warranting specific independent legal expertise.
- (d) The City Attorney and other attorneys engaged by the City shall be under contract or employed under terms agreed upon between the parties.

CHAPTER VI: ELECTIONS

SECTION 23: ELECTIONS

City elections must conform to state law except as this Charter or City ordinances provide otherwise. All elections for City offices must be nonpartisan.

SECTION 24: TERMS OF OFFICE

The term of an officer elected at a general election begins at the first regular Council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.

SECTION 25: OATH OF OFFICE

Before entering upon the duties of their office, officers shall take an oath or shall affirm to support the constitutions and laws of the United States of America, the state of Oregon, the Charter and general ordinances and laws of the City of Stayton, and to faithfully perform the duties of the office.

SECTION 26: NOMINATIONS

The Council shall adopt an ordinance prescribing the manner in which a person is to be nominated to run for Mayor or a City Councilor position, which shall comply with applicable state laws.

CHAPTER VII: VACANCIES IN OFFICE

SECTION 27: VACANCIES

The Mayor or a Council office becomes vacant:

(a) Upon the incumbent's:

- (1) Death,
- (2) Adjudicated incompetence, or
- (3) Recall from the office

(b) Upon declaration by the Council after the incumbent's:

- (1) Failure to qualify for the office within 10 days of the time the term of office is to begin,
- (2) Absence from the City for 30 days without Council consent, or from all Council meetings within a 60-day period,

- (3) Ceasing to reside in the City.
- (4) Ceasing to be a qualified elector under State law,
- (5) Conviction of a public offense punishable by loss of liberty,
- (6) Resignation from the office, or
- (7) Removal under Section 21(f)

SECTION 28: FILLING OF VACANCIES

- (a) Vacant elective offices in the City are filled by appointment by the Mayor.
- (b) In the case of a vacant Councilor position, a majority vote of the remaining Councilors is required to validate the permanent appointment of a successor to that position.
- (c) In the event of a tie vote, the Mayor may vote to break the tie.
- (d) During the temporary disability or absence of any elected officer, that office may be filled pro tem in the manner provided for filling vacancies in office permanently.
- (e) The appointee's term of office commences from the time of qualifying for the office, and after validation of the appointment by the Council, and continues until the successor to the office assumes the office at the first regular Council meeting of a calendar year after a biennial general election.

CHAPTER VIII: ORDINANCES

SECTION 29: ENACTING CLAUSE

The enacting clause of all ordinances shall be, "The CITY OF STAYTON ordains a follows:".

SECTION 30: MODE OF ENACTMENT

- (a) Adoption of an ordinance requires the ordinance to be considered at two separate Council meetings, except as provided below in (d). At the first meeting, the opportunity for public comment shall be provided. At the second meeting, approval by a majority of the Council is required to adopt the ordinance.
- (b) Prior to the first Council meeting to consider an ordinance, a copy of the ordinance shall be made available to the public at least one week prior to the meeting and provided to each Council member at least three calendar days prior to the meeting.
- (c) Any substantial changes or amendments to a proposed ordinance after the first meeting shall be read aloud or made available in writing to the public prior to the meeting.

- (d) An ordinance containing an emergency clause may be passed at one Council meeting on a unanimous vote of the Council present at the meeting.
- (e) Upon the final vote on an ordinance, the ayes and nays of the Councilors shall be polled and the ayes and nays entered in the record of proceedings.
- (f) Upon the enactment of an ordinance, the City Administrator shall sign and date it with the date of passage; within seven days thereafter, the Mayor either shall sign and date it, or shall veto it. The signators shall designate the title of their offices.
- (g) The City Attorney may indicate approval as to form.

SECTION 31: EFFECTIVE DATE OF ORDINANCES

Ordinances take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance, however, may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

SECTION 32: STAYTON MUNICIPAL CODE

City ordinances addressing the City's general administration may be codified and incorporated into the Stayton Municipal Code ("SMC"). The Stayton Municipal Code shall supersede all ordinances codified therein.

CHAPTER IX: PUBLIC IMPROVEMENTS

SECTION 33: IMPROVEMENTS

The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. Action on any proposed public improvement, except a curb or sidewalk, or except an improvement unanimously declared by the Council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the land to be specially assessed.

SECTION 34: SPECIAL ASSESSMENTS

The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by ordinance.

SECTION 35: BIDS

Contracts for public improvements to be made by a private contractor shall be governed by rules prescribed by ordinance.

CHAPTER X: MISCELLANEOUS PROVISIONS

SECTION 36: DEBT LIMIT

The City shall not incur debt unless the indebtedness is authorized by State statute or is approved by a majority of the electors of the City voting on the question of incurring the debt.

SECTION 37: EXISTING ORDINANCES (AND CODIFICATIONS THEREOF), RESOLUTIONS, ORDERS, RULES AND OTHER LAWS/REGULATIONS CONTINUED

All ordinances (and codifications thereof), resolutions, orders, rules and other laws/regulations of the City consistent with this Charter and in force when it takes effect shall remain in effect until amended or repealed.

SECTION 38: SEVERABILITY

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected.

SECTION 39: PREVIOUS CHARTER PROVISIONS

All provisions of the City Charter enacted prior to the time that this Charter takes effect, except such as related to outstanding indebtedness and authority of the Municipal Judge, are repealed. Provisions relating to such indebtedness and to indebtedness incurred to refund the same shall be deemed repealed upon complete payment of such indebtedness and the interim thereon, without specific repeal of the Charter provisions authorizing such indebtedness.

CHAPTER 40: TIME OF EFFECT OF CHARTER

This charter shall take effect _____.